



(U) Keeping Congress Informed

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(U//FOUO) One of the links available from the SID *today* page (under "SID Notes/Reports") is the [Congressional Notifications](#) link. Here's an explanation of what this is all about:

(U) What is a Congressional Notification?

(U) A Congressional Notification is a letter signed by the Chief/LAO ([Legislative Affairs Office](#)) or the DIRNSA to the various committees ([HPSCI](#), [SSCI](#), [HAC](#) and [SAC](#) and any other committees having jurisdiction over the subject of the notification) informing them of a "significant intelligence activity" or a "significant intelligence failure."

(U) Why do we do them?

(U) The National Security Act of 1947, Sec. 501 and 502, require that the "Director of Central Intelligence and the heads of all...agencies...involved in intelligence activities shall keep the congressional intelligence committees fully and currently informed of all intelligence activities...including any significant anticipated intelligence activity and any significant intelligence failure". To fulfill our obligation to keep Congress "fully and currently informed", NSA has implemented NSA/CSS Regulation No. 010-01, [Congressional Notification Procedures](#).

(U) What constitutes a "significant activity"?

(U) A proposed activity which meets one or more of the following criteria may constitute a significant activity:

- Activity raises or will have a major impact on foreign policy or national security concerns;
- Affects significant intelligence resources (e.g. major cost overrun, termination of contract);
- Entails significant risk of exposure or compromise of classified information or intelligence sources or methods, which would likely result in loss of human life;
- Presents a reasonably foreseeable risk of a break of diplomatic relations, or a serious deterioration in relations between the U.S. and one or more of its allies;
- Activity has been directly approved by the President or the National Security Council;
- Involves a proposal to authorize the export of "controlled equipment" under particularly sensitive circumstances.

(U) What constitutes a "significant intelligence failure"?

(U) An activity which meets one or more of the following criteria may constitute a significant intelligence failure:

- Total or pervasive failure or compromise of a technical collection system previously believed to be reliable and secure is discovered;
- Pervasive failure to protect, or an unanticipated or thus far undetected compromise of, a category of intelligence sources and/or methods is discovered;
- Losses of intelligence sources and methods are incurred on such a scale, or over such an extended period of time, that the possibility of a systematic compromise is indicated;
- Unanticipated loss of life has occurred in the conduct of an intelligence activity, even when the intelligence activity itself was successful;
- Discovery of intelligence activities by foreign partners which have caused, or are likely to cause, serious interruption or other damage to the conduct of U.S. foreign intelligence or

counterintelligence operations;

- Serious compromise of classified information resulting from the provision of U.S. foreign intelligence or counterintelligence information to an approved foreign partner;
- Foreign intelligence or counterintelligence information obtained from a foreign partner that is later determined to be false, if that information formed any part of the justification for or was otherwise used in the conduct of, an intelligence activity which was notified to the congressional intelligence committees;
- Intelligence product that is found to contain a major error.

(U) What is the process for submitting a Congressional Notification?

(U//FOUO) If you are involved in an activity that meets any of the above criteria, forward the pertinent information to SID Congressional Issues (DL SID CI or [REDACTED]). SID Congressional Issues will prepare and coordinate a draft notification which will be sent to the NSA Legislative Affairs Office (NSA LAO). NSA LAO will obtain corporate approval and release the notification to the appropriate committees. More detailed procedures may be found on the [SID Congressional Issues webpage](#).

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